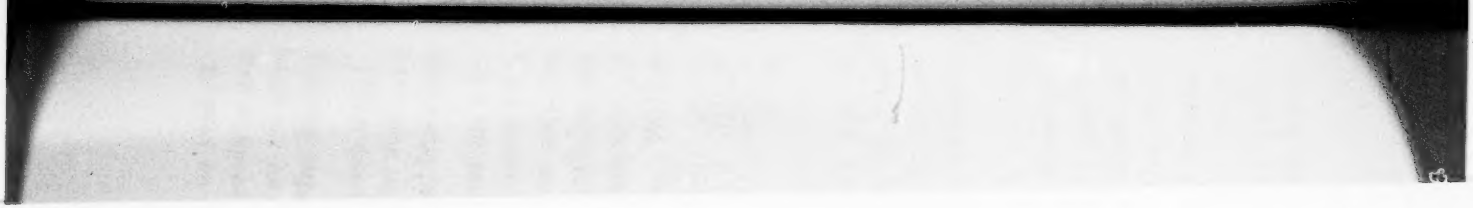

MOTION FILED

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IN THE

Supreme Court of the United States

OCTOBER TERM, 1965

Nos. 318, 323 and 409

JOHN A. BURNS, Governor of the State of Hawaii, *Appellant,*

—v.—

WILLIAM S. RICHARDSON, *et al.,* *Appellees.*

ELMER F. CRAVALHO, *et al.,* *Appellants,*

—v.—

WILLIAM S. RICHARDSON, *et al.,* *Appellees.*

KAZUHISA ABE, *et al.,* *Appellants,*

—v.—

WILLIAM S. RICHARDSON, *et al.,* *Appellees.*

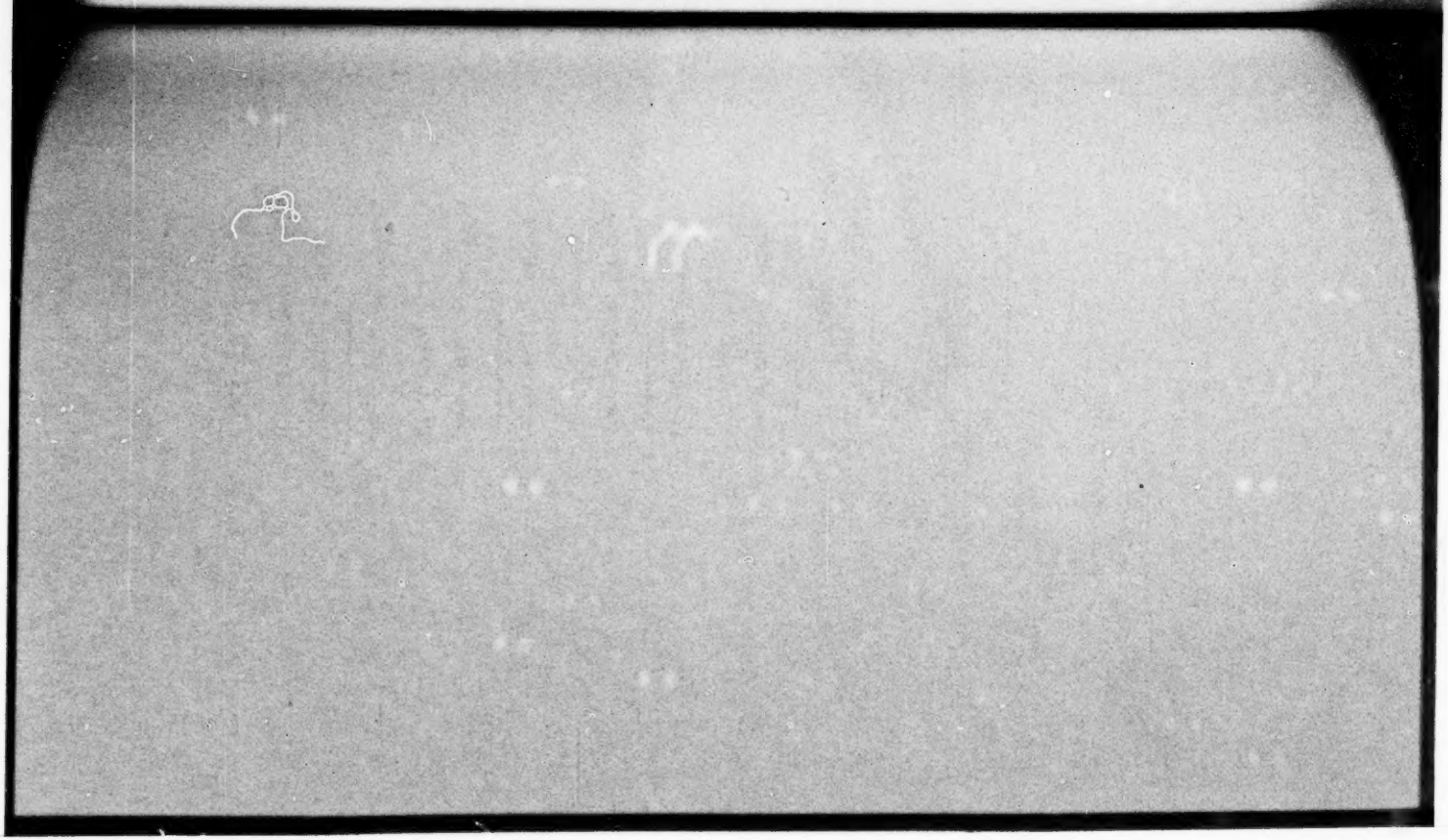
ON APPEALS FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAII

MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF

HAROLD S. ROBERTS
Petitioner

RICHARD K. SHARPLESS
1060 BISHOP STREET
HONOLULU, HAWAII
Counsel

January 1966



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ON APPEALS FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAII

MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF

To the Honorable, Chief Justice and Associate Justices of the Supreme Court of the United States:

HAROLD S. ROBERTS, Petitioner, respectfully represents that:

(1) The Court, by Order dated October 11, 1965, granted Petitioner's motion for leave to file a brief as amicus curiae in Nos. 318 and 323 --

a Brief in Opposition to Jurisdictional Statements of Appellants. The original petition did not include No. 409 since the Senate brief had not been filed as of the date of petitioner's motion.

(2) In the Motion, Petitioner showed that he: was and for 18 years had been a citizen and taxpayer of the State of Hawaii and resided in Honolulu, Hawaii; was a delegate to the Constitutional Convention of 1950, which drafted the Constitution adopted by the people of Hawaii and now in effect; helped compile the proceedings thereof and wrote its preface; has been actively interested in the reapportionment problems of Hawaii and was called as a witness before both the Senate and the House, each in Committee of the Whole, during the Special Session of the Legislature of Hawaii in July 1964 when it was considering the reapportionment problems involved in this litigation.

(He testified before the House of Representatives, pre-session hearings, July 20, 1964; Senate pre-session hearings, July 21, 1964; House of Representatives hearings, July 27, 1964 on House Bills 2, 3 & 4; House of Representatives hearings, August 7, 1964 on House Bills 5 & 6; Senate

hearings, July 28, 1964 on Criteria for Reapportionment and the Role of the Constitutional Convention; Senate hearings, July 29, 1964 on S.B. 10 and S.B. 12; Senate hearings, August 5, 1964 on Unicameralism and Bicameralism; and before the Senate Judiciary Committee on May 3, 1965 on S.B. 475, S.B. 745, and H.B. 677,699, 894 and 936.)

(3) He has written a number of articles on Hawaii's Constitution published in the Christian Science Monitor, the National Municipal Review and State Government. His testimony on State Reapportionment was published in the Hearings before Congress in 1959 and the Honolulu Advertiser has published a series of 10 articles on Hawaii's Reapportionment problems written by him (May 19-30, 1965). A brochure by Petitioner on Reapportionment in Hawaii to be issued by a Political Science unit on the University Campus will be published in January 1966.

(4) There is a substantial question relating to the effect of the decision of the Hawaii State Supreme Court (Guntert v. Richardson, July 27, 1964)which has been disregarded by Appellants.

(5) He believes that the issues in this case will not be presented in an adversary manner.

(6) He also believes that appeal from the February 17, 1965 order of the District Court, except for point 4 dealing with a reapportionment plan for the Senate, was not timely or properly filed.

(7) He requested counsel for the (appellant) Governor, by his own counsel, to consent to the filing of a brief amicus curiae, and appellant Governor refused consent.

Wherefore, the petitioner prays that he be permitted to file the brief amicus curiae, submitted herewith and this Court make such other orders as it deems appropriate to render a judgment in accordance with the Constitution of the United States and the Constitution of the State of Hawaii.

Respectfully submitted,

HAROLD S. ROBERTS
Petitioner

RICHARD K. SHARPLESS
Counsel

January 1966

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on

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